

# **Louisiana Administrative Code**

## **Title 46 – Professional and Occupational Standards**

### **Part LIII: Pharmacists**

#### **Chapter 21. Charitable Pharmacy**

##### **§2101. Cross References**

- A. For all regulations that apply to permitted charitable pharmacies concerning pharmacy practices not specifically stated in this chapter, refer to Chapter 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2098 (October 2003), effective January 1, 2004.

##### **§2103. Definitions**

- A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this section:  
*Charitable Pharmacy* – the practice of pharmacy at a site where prescriptions are dispensed by a charitable organization free of charge to appropriately screened and qualified patients. For the purposes of the Louisiana Administrative Code and the Pharmacy Practice Act, a “charitable pharmacy” may at times also be referred to as a “provisional permitted pharmacy.”

*Qualified Patients* – those patients who are without sufficient funds to obtain medications as determined by strict screening guidelines based on needs assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2098 (October 2003), effective January 1, 2004.

##### **§2105. Charitable Pharmacy Permit Requirements**

- A. A charitable pharmacy permit shall be required to operate a pharmacy in the state to dispense free prescription drugs to qualified patients in Louisiana. This permit shall only be granted to an organization qualified as a charitable organization by the U. S. Internal Revenue Code under 26 U.S.C. §501(c)(3), or its successor.
- B. Compliance. The charitable pharmacy shall be in compliance with applicable federal, state, and local laws and/or regulations pertaining to the practice of pharmacy.
- C. Guidelines. Strict screening guidelines based on needs assessment shall be developed by the charitable pharmacy to determine who is eligible as a qualified patient.
- D. Review. All screening guidelines, needs assessments, and revisions shall be submitted to the board upon request.
- E. Patient Dispensing. Prescriptions filled in a charitable pharmacy may only be dispensed to qualified patients of that pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2099 (October 2003), effective January 1, 2004.

##### **§2107. Prescription Drug Samples**

- A. A charitable pharmacy shall not sell, purchase, or trade prescription drug samples.
- B. A charitable pharmacy shall only possess and dispense prescription drug samples if the following conditions are satisfied:
  - 1. The prescription drug samples are dispensed at no charge to qualified patients of that charitable pharmacy; and
  - 2. The prescription drug samples are possessed in compliance with the Federal Prescription Drug Marketing Act of 1987, 21 U.S.C. §301 et seq, or its successor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 23:1307 (October 1997), amended LR 29:2099 (October 2003), effective January 1, 2004.

### **§2109. Medication Transfers**

- A. In facilities licensed by the Department of Health and Hospitals where United States Pharmacopeia (USP) storage requirements can be assured, prescription drugs, except controlled dangerous substances, dispensed in unit dose or in individually sealed doses may be transferred to a permitted charitable pharmacy for relabeling and dispensing to indigent patients, free of charge, pursuant to a valid prescription order.
  1. The pharmacist-in-charge of the permitted charitable pharmacy shall be responsible for determination of suitability of the product for reuse.
    - a. No product where integrity cannot be assured shall be accepted for re-dispensing by the pharmacist.
    - b. A re-dispensed prescription medication shall be assigned the expiration date stated on the package.
    - c. No product shall be re-dispensed more than one time.
  2. Pursuant to a voluntary agreement between the facility licensed by the Department of Health and Hospitals and a pharmacy holding a charitable pharmacy permit from the board, prescription drugs, except controlled dangerous substances, may be transferred from the facility to the pharmacy provided the following procedures are satisfied;
    - a. The physical transfer shall be accomplished by an individual authorized to do so by the charitable pharmacy.
    - b. The patient from whom the prescription medication was obtained shall document their consent for the donation; the consent shall be maintained on file at the facility.
    - c. The patient's name, prescription number, and any other identifying marks, shall be obliterated from the packaging prior to removal from the facility.
    - d. The drug name, strength, and expiration date shall remain on the medication package or label.
    - e. An inventory list of the drugs shall accompany the drugs being transferred. The list shall contain, at a minimum, the medication name, strength, quantity, and expiration date.
    - f. Expired drugs shall not be transferred. In the event expired drugs are received by a charitable pharmacy, the pharmacist-in-charge shall destroy them as required by law
- B. Under no circumstances may these transferred medications be re-distributed to another location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2099 (October 2003), effective January 1, 2004.

### **§2111. Prohibitions**

- A. A charitable pharmacy shall not purchase, possess, trade, distribute, or dispense controlled dangerous substances.
- B. A charitable pharmacy shall not be operated, or in any way associated, with any for-profit pharmacy permitted in this state or any other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2099 (October 2003), effective January 1, 2004.